

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:20-00066

JEFFREY M. REED

MEMORANDUM OPINION AND ORDER

Trial in this case is currently set for April 28, 2021, at 9:30 a.m. in Charleston.

Trial was originally set for August 4, 2020. On July 2, 2020, defendant moved to continue trial for at least 60 days. On July 6, 2020, the court granted that motion and set trial for October 6, 2020.¹ On October 1, 2020, the court continued trial to December 12, 2020, citing the court's General Orders regarding court operations during COVID-19 and the danger to public health. (See ECF No. 30.) On November 2, 2020, the court continued trial to December 10, 2020, citing the same orders and concerns. (See ECF No. 32.) On December 3, 2020, the court continued trial to April 20, 2021, citing the same orders and concerns. (See ECF No. 42.) On February 22, 2021, the court continued trial to April 28, 2021, for reasons appearing to the court. (See ECF No. 45.)

¹ At that time, the court set a pretrial motions hearing for September 14, 2020. Thereafter, defendant moved to continue the pretrial motions hearing to September 28, 2020, and the court granted the motion.

On March 15, 2020, General Order #11 was entered in In Re: Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic, No. 2:20-mc-00052 (ECF No. 16) (S.D.W. Va. March 15, 2021) (Johnston, C.J.). General Order #11 permits the resumption of jury trials starting May 3, 2021. (Id. at 7.) General Order #11 outlines the difficulties that the court will face in resuming jury trials and implements a staggered approach to doing so. (Id. at 4-6.) "This staggered approach will not only take into account the realities of safely conducting trials in a socially distanced environment, but will also assure that the judges of this district may exercise discretion to review their criminal trial dockets in an equitable manner to take into account all relevant factors, including the time that an accused defendant has been in custody for the sole purpose of awaiting trial." (Id. at 6.)

Under General Order #11, "the time period between May 3, 2021 and August 31, 2021 will be excluded under the Speedy Trial Act, as the Court specifically finds for the reasons outlined herein that the ends of justice served by excluding this time period outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h) (7) (A)." (Id. at 7.)

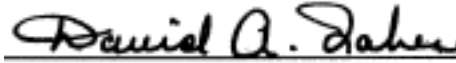
Using the discretion provided under General Order #11, the court determines that trial in this case is rescheduled for **June**

1, 2021, at 9:30 a.m. in Charleston. Jury instructions and proposed voir dire are to be filed by **May 25, 2021**.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 18th day of March, 2021.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge